

Practitioner's Docket No. 31304-764.831

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Christian Peter Petzelt et al.      Group No.: Not Yet Assigned  
Serial No.: 10/576,628      Examiner: Not Yet Assigned  
International Serial No.: PCT /EP04/11504      Confirmation No.: 8178  
I.A. Filing Date: October 13, 2004  
For: Use Of Xenon For The Prevention Of Programmed Cell Death

**Mail Stop Missing Parts**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

This replies to the Notice of Missing Requirements mailed **February 5, 2007**. A copy of the Notice is enclosed.

**DECLARATION**

- ☒ No oath or declaration was filed. Enclosed is the original oath or declaration for this application (PTO/SB/01).

**POWER OF ATTORNEY**

- ☒ Enclosed is an original Power of Attorney by Assignee to Exclusion of Inventor.

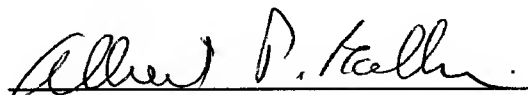
**NUCLEOTIDE AND/OR AMINO ACID SEQUENCE SUBMISSION**

- ☒ The above-referenced patent application does not contain any nucleotide or amino acid sequences, therefore there is no need to provide a "Sequence Listing" on a separate part of the disclosure on paper copy or a or computer readable form as requested in the Formalities Letter.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Atty. Docket No. 31304-764.831).

Date: April 4, 2007 \_\_\_\_\_

Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304  
(650) 493-9300  
Customer No. 021971

  
Albert P. Halluin, Reg. No. 25,227

**DOCKETED**

Huber/31304-764.831



UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/576,628	Christian Peter Petzelt	31304-764.831

INTERNATIONAL APPLICATION NO.	
PCT/EP04/11504	
I.A. FILING DATE	PRIORITY DATE
10/13/2004	10/21/2003

 21971  
 WILSON SONSINI GOODRICH & ROSATI  
 650 PAGE MILL ROAD  
 PALO ALTO, CA 94304-1050
**RECEIVED**

FEB 09 2007

 WILSON SONSINI  
 GOODRICH & ROSATI

CONFIRMATION NO. 8178

371 FORMALITIES LETTER

\*OC000000022315674\*

Date Mailed: 02/05/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/21/2006
- Copy of the International Search Report filed on 04/21/2006
- Copy of IPE Report filed on 04/21/2006
- Preliminary Amendments filed on 04/21/2006
- Information Disclosure Statements filed on 07/21/2006
- U.S. Basic National Fees filed on 04/21/2006
- Priority Documents filed on 04/21/2006
- Specification filed on 04/21/2006
- Claims filed on 04/21/2006
- Abstracts filed on 04/21/2006
- Drawings filed on 04/21/2006

WSGR PATENT DOCKET	
U.S. <input checked="" type="checkbox"/>	FOREIGN: <input type="checkbox"/>
DOCKETED: 2-9-07	BY: JD
ACTION: Missing Requirements	
DUE DATES: Due 4-5-07	Final 8-5-07
ATTY: SC	CM #: 31304-764.831

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- **\$130 Surcharge.**

- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application** and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://spportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

BARBARA A CAMPBELL

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Telephone: (703) 308-9140 EXT 217

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/576,628	PCT/EP04/11504	31304-764.831

FORM PCT/DO/EO/905 (371 Formalities Notice)